

**ENTERED**

December 19, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

KATHLEEN THOMAS,

Plaintiff,

VS.

BANK OF AMERICA CORP., *et al*,

Defendants.

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CIVIL ACTION NO. 4:17-CV-1649

**ORDER OF DISMISSAL**

This matter comes before the Court, *sua sponte*, for consideration of the plaintiff's *pro se* complaint for failure to effect timely service on the defendants in accordance with Federal Rule of Civil Procedure 4(m). Specifically, Fed. R. Civ. P. 4(m) provides "[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m).

On September 13, 2017, this Court issued an Order informing the plaintiff of her failure to effect timely service on the defendants in accordance with Fed. R. Civ. P. 4(m) and granting her an additional thirty (30) days within which to effect service on the defendants or otherwise advise this Court of the good cause associated with her failure to do so within the time frame allotted. In its Order, the Court further informed the plaintiff that if service was not effected upon the defendants within 30 days of the date of its Order, her action would be dismissed without prejudice and without further notice, unless good cause was shown for her failure to effect such service within the time frame allotted.

Despite notice and the six-month pendency of this action, the plaintiff has not attempted any remedial measures to obtain issuance of summons and/or proper service nor has she

proffered any suggestion of good cause for her failure to do so. In fact, the plaintiff has failed to offer *any* response. Pursuant to Fed. R. Civ. P. 4(m), the Court is of the opinion that a dismissal of this civil action is appropriate. *See e.g., Thompson v. Brown*, 91 F.3d 20, 21 (5<sup>th</sup> Cir. 1996) (“If good cause does not exist, the court *may*, in its discretion, decide whether to dismiss the case without prejudice or extend time for service.”) (emphasis in original). The plaintiff has not complied.

Therefore, in accordance with Rule 4(m) of the Federal Rules of Civil Procedure, this Court advises the plaintiff that her case is **DISMISSED**.

It is so **ORDERED**.

SIGNED on this 19<sup>th</sup> day of December, 2017.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt  
United States District Judge